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| 09/296,452      | 04/21/1999  | TIMO BRUCK           | WEB-340             | 8411             |

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EXAMINER

HUYNH, SON P

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2611

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1/6

**Office Action Summary**

Application No.

09/296,452

Applicant(s)

BRUCK ET AL.

Examiner

Son P Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-14,17-20,23-41,44-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,5-9,11-14,17-20,23-26,28-41,44-55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. The indicated allowability of claims 4, 16, 22 is withdrawn in view of the newly discovered references to Schindler, Moncreiff and Presto. Rejection based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "claim 56" in line 1 lacks antecedent basis. Examiner interprets claim 57 as "the control unit of claim 50".

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 28 is rejected under 35 U.S.C. 102(a) as being anticipated by Moncreiff (US 5,828,839).

Regarding claim 28, Moncreiff discloses a method for presentation of information on a display screen of a computer system; the method comprises a step of:

- receiving a video program from a program source;
- presenting the video program in a video region of the display screen;
- presenting chat option for selection by a program viewer; and upon selection of the chat option, provide for text communications between the program viewer and other program viewers over a communication network, and presenting the text communications in a chat region of the display screen (see col. 2, lines 8-34 and figure 8)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5-9, 11-1, 17-20, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830), and in view of Presto- "Presto's Tribes Client Scriptor" (hereinafter referred to as Presto).

Regarding claim 1, Schindler discloses a computer system having a graphical user interface including a display 38, a method comprising the steps of:

Receiving video signal from plurality of channels such as NBC, ABC, CBS... and displaying the video signal on the display of television 18 (see col. 3, lines 8-56).

Receiving text communications from one or more viewers of the video signal, the text communications being related to the video signal; and displaying the received text communications on the display with the video signal on display screen 38 (see col. 7, lines 2-44). Schindler further discloses the video signal is displayed in a video region 40 and the text communications are displayed in the chat region 52 or the display 38 (see figure 3). However, Schindler fails to disclose the chat region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler by displaying chat region overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claim 5, Schindler discloses identifying characteristic xyz or the video signal is displayed outside (chat room xyz 44) of the video region of the display (see fig. 3).

Regarding claim 6, Schindler discloses the identifying characteristic xyz identifies an episode of a television series included in the video signal (see fig. 3).

Regarding claim 7, Schindler discloses the identifying characteristic identifies a television series corresponding to the video signal (see fig. 3).

Regarding claim 8, Schindler discloses the identifying characteristic identifies a television network affiliate providing the video signal (see col. 4, lines 17-20).

Regarding claim 9, Schindler discloses the identifying characteristic identifies a television network providing the video signal (see col. 4, lines 12-24).

Regarding claim 11, Schindler further discloses the method comprising the steps of: determining an identifying characteristic of the video signal; and defining a user interface for display of the text communication, the user interface being configured to reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure 2).

Regarding claim 12, Schindler discloses the user interface includes a predefined chat region 52 for display of the text communications (see figure 3).

Regarding claim 13, Schindler disclose the user interface includes a predefined video region 40 for display of the video signal (see figure 3).

Regarding claim 14, Schindler discloses an entertainment system includes a graphical user interface for presentation on a display 38, a method comprising the steps of: receiving a broadcast video signal from a broadcast signal source such as NBC, ABC... displaying the broadcast video signal in a video region 40 of the display 38 (see col. 3, lines 44-56 and figure 3); receiving text communications from a chat source (sever 20) different from the broadcast signal source, the text communication including text from two or more viewers of the broadcast video signal, and the text communications being related to the broadcast video signal (see col. 6, lines 26-43); and displaying the received text communications in the chat region 52 or the display 38, the text communications being displayed on the display 38 with the broadcast video signal (see fig.3 and col. 7, lines 1-44). However, Schindler fails to disclose the chat region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler by displaying chat region

overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claim 17, Schindler discloses an identifying characteristic xyz in the chat room 44 of the broadcast video signal is displayed outside of the video region 40 of the display 38 (see fig. 3).

Regarding claim 18, Schindler discloses an entertainment system which includes a graphical user interface for presentation on a display, the method comprising the steps as discussed in the rejection of claim 14. The method further comprising the steps of: determining an identifying characteristic of the broadcast video signal; and selecting a user interface template which defines a video region for display of the broadcast video signal, a chat region for display of the text communications from the chat source, and a logo region for display of a logo xyz which reflects the identifying characteristic of the broadcast video signal (see fig. 3 or col. 7, lines 3-44).

Regarding claim 19, Schindler discloses the identifying characteristic identifies a broadcast network, network affiliate, television show or episode of the broadcast video signal (see fig. 3 and col. 3, line 44- col. 4, line 24).

Regarding claim 20, Schindler discloses a graphical user interface for presentation on a display device, the graphical user interface comprising: a video region



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40 of the display for presentation of a video program having an identifying characteristic; and a chat region 52 of the display for real-time presentation of text communications between viewers of the video program during viewing of the video program, wherein the graphical user interface (television controls area 42 or chat room 44) outside the video region is determined at least in part by an identifying characteristic of the video program (see fig. 3 or col. 7, lines 3-44). However, Schindler fails to disclose the chat region of the display overlies the video region of the display.

Presto discloses the chat region of the display overlies the video region of the display (see picture 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler by displaying chat region overlies video region as taught by Presto in order to enlarge chat region and video region.

Regarding claims 23-26, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed in the with respect to the rejections of claims 6-9.

8. Claims 29-41, 44-55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moncreiff (US 5,828,839) and in view of Schindler (US 6,081,830).

Regarding claim 29, Moncreiff discloses a method as discussed in the rejection of claim 28. However, Moncreiff fails to disclose the step of providing for text communications between the program viewer and other program viewers includes defining a chat room in a chat server, a chat room having a chat room identity based on a unique program identifier of the video program.

Schindler discloses the step of providing for text communications between the program viewer and other program viewers includes defining a chat room in a chat server, a chat room having a chat room identity based on a unique program identifier of the video program (see col. 6, lines 26-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff to incorporate the step of defining a chat room in a chat server based on a unique program identifier of the video program as taught by Schindler in order to provide viewer a desired room and topic.

Regarding claim 30, Moncreiff in view of Schindler disclose the step of providing for text communications between the program viewer and other program viewers includes: communicating selection of the chat option to a web server for determination of a chat room identity and receiving the chat room identity from the web server as taught by Moncreiff (see col. 6, lines 26-43); and communicating the chat room identity to a chat server for use in defining a chat room in the chat server, the chat room serving

as a communication link between program viewers as taught by Schindler (see col.6, lines 43).

Regarding claim 31, Moncreiff discloses the step of communicating selection of the chat option involves communicating a unique program identifier of the video program to the web server (see col. 5, lines 46-67).

Regarding claim 32, Moncreiff discloses the chat room identity if a predetermined variant of the unique program identifier (see col. 8, lines 7-28).

Regarding claim 33, Moncreiff discloses a method as discussed in the rejection of claim 28. Schindler discloses a method of determining an identifying characteristic of the video program using channel selection on the television control area 42; and defining a background for a portion of a user interface which reflects the identifying characteristic (xyz) of the video program (see fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff to incorporate a method as taught by Schindler in order to increase efficiency of the system.

Regarding claims 34-37, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claim 38, Moncreiff disclose a method as discussed in the rejection of claim 28. A video program that has program start time, program end time, etc. is well known to those skilled in the art. However, Moncreiff fails to disclose receiving second video program from the program source; presenting the second video program on the video region; presenting a second chat option for selection by the program viewer; and upon selection of the second chat option, providing for text communications between program viewer and other program viewers of the second video program over a communication network, and presenting the text communications in a chat region of the display screen.

Schindler discloses if the user does not change the channel, the information in areas 46 and 52 are updated as necessary by the server, and sent to the computer for display (see col. 7, lines 47-49). Obviously, the method comprises receiving second video program from the program source; presenting the second video program on the video region; presenting a second chat option for selection by the program viewer; and upon selection of the second chat option, providing for text communications between program viewer and other program viewers of the second video program over a communication network, and presenting the text communications in a chat region of the display screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff to incorporate a method as taught by Schindler in order to allow program viewer watching and discussing a second video program without switching channel.

Regarding claim 39, Moncreiff discloses the chat option is presented only during receipt of the video program from the program source (see col. 5, lines 46-67).

Regarding claim 40, Moncreiff discloses a method as discussed in the rejection of claim 28. A video program that has program start time, program end time, etc. is well known to those skilled in the art. Obviously, the step of interrupting text communications related to the video program between program viewers upon conclusion of the video program.

Regarding claim 41, Moncreiff disclose an entertainment system for use in supplementing video programming with interactive text communications for concurrent presentation on a video display, the entertainment system comprising: a control unit (user computer 18) configured to receive video programming for presentation on the display, and to present a chat option on the display 22, and to present a chat option 94 on the display for selection by a program viewer (see fig. 1 and fig. 4), and a server arrangement (server computer 12) configured to communicate with the control unit (user computer 18) upon selection of the chat option for identification of the video programming, the server arrangement further being configured to determine a chat room identity based on the identified video programming and to communicate text communications within the identified chat room to the control unit for presentation on the video display concurrently with the video programming (see col. 5, lines 46-67, fig. 1

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and fig.8). Moncreiff further discloses a server arrangement includes a web server (server computer 12) in communication with the control unit (user computer 18) to receive a video program identify from the control unit and to determine a video-program-based chat room identity for transmission to the control unit (user computer 18); a chat server (chat module 26) configured to establish the identified chat room and to communicate text communication within the identified chat room to the control unit for presentation on the video display (see fig. 1, fig. 8 and col. 5, line 31-col. 6, line 16). However, Moncreiff fails to explicitly disclose the web server is configured to determine an identifying characteristic of the video programming, and to define a user interface based, at least in part, on the identifying characteristic of the video program.

Schindler discloses the web server (server 20) is configured to determine an identifying characteristic of the video programming, and to define a user interface based, at least in part, on the identifying characteristic of the video program (see col. 4, lines 24-65 and fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff by providing a web server as taught by Schindler in order to expand capabilities of the web server.

Regarding claims 44-47, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claim 48, the claimed elements are analyzed as discussed in the rejection of claims 38 and 41. Obviously, the control unit is being configured to direct program viewers to a subsequent chat room upon reaching the end of the video program.

Regarding claim 49, Schindler discloses that each program has an identification code (see col. 6, lines 20-25) and the chat room is generated based on the identification code of the channel (see col. 6, lines 35-39). As a result, the subsequent chat room has a chat room identity based on subsequent video programming.

Regarding claim 50, Moncreiff discloses an entertainment system including a video display 22 configured to present video programming from a video program source 12 and to present text communications from a chat room of a chat server 26, a control unit (user computer 18) that can receive a video program for presentation on the video display, and configured to receive a unique program identifier of the video program for selection of a chat room based on the unique program identifier (see col. 5, lines 22-67); a browser device 20 in communication with the video receiver to identify the selected chat room, the browser device being configured to communicate with the selected chat room and to present text communications occurring within the selected chat room on the video display concurrently with the video program (see fig. 1, col. 1 lines 16-33, col. 5, lines 46-67, col. 8, lines 1-67 and col. 10, lines 66). Furthermore, Moncreiff in view of Schindler discloses a method and system as discussed in the rejection of claims 38 and

41. As a result, the control unit being configured to direct program viewers to a subsequent chat room upon reaching the end of the video program.

Regarding claim 51, Moncreiff discloses the browser device 22 is further in communication with a web server to receive a chat background (see col. 4, lines 6-28 and fig. 8). However, Moncreiff fails to disclose the background reflects an identifying characteristic of the video program.

Schindler discloses the background reflects an identifying characteristic of the video program (see fig.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moncreiff by providing a background reflects an identifying characteristic of the video program in order to allow program viewers easily realize the currently program.

Regarding claims 52-55, the claimed elements correspond with the elements method for computer system in claims 6-9 and are analyzed as discussed with respect to the rejections of claims 6-9.

Regarding claim 57, the claimed elements correspond with the elements for entertainment system in claim 49 and are analyzed as discussed with respect to the rejections of claim 49.



***Allowable Subject Matter***

9. Claims 10, 27 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to show or fairly suggest the identifying characteristic includes a background underlying other displayed data.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Stautner et al.** (US 6,172,667) discloses integrated content guide for interactive selection of content and services on personal computer system with multiple sources and multiple media presentation.

**Liles et al.** (US 5,880,731) discloses using avatars with automatic gesturing and bounded interaction in on-line chat session.

**Schein et al.** (US 6,263,501) discloses system and method for linking television viewers with advertisers and broadcasters.

**Hidary et al.** (US 5,774,664) discloses enhanced video programming system and method for incorporating and displaying retrieved integrated Internet information segment.

**Belzer et al.** (US 5,905,493) discloses color coded instructional scheme for computers and the like system, method and article of manufacture.

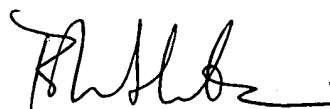
**Harrison** (US 5,694,163) discloses method and apparatus for viewing of on-line information service chat data incorporated in a broadcast television program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer office service whose telephone number is 703-306-0377.

Son P. Huynh  
August 29, 2002



Bhavesh Mehta  
Primary Examiner